IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 596 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

TUSHAR LAXMIKANT THRO'P.O.A. LAXMIKANT BHAGUBHAI

Versus

URVESH TUSHAR SHETH

Appearance:

MR SURESH M SHAH for Petitioner No. 1-3

MR MEHUL S SHAH for Petitioner No. 1-3

MR DIPEN A DESAI for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 02/07/2001

ORAL JUDGEMENT

Heard Mr. S.M.Shah learned advocate for the petitioners.

2. Rule. Mr. D.A.Desai learned advocate waives service of rule on behalf of respondent.

3. The petitioners have challenged the order dated 21.3.2001 passed by learned City Civil Judge, Court No.11, Ahmedabad in the proceedings of Civil Misc. Application No. 213 of 2000.

4. The petitioners who were the applicants of the said proceedings prayed under Section 34 of the Indian Trust Act to advise and direct the applicants who are trustees to extend the period for distribution of trust properties as stated in Clause (C) and (D) of para.4 of the Trust Deed for the period upto 5.4.2010 without altering the other terms and conditions of the Trust Deed.

5. The respondent is the beneficiary of the said Trust which was created by one Smt. Parul Deepak Patel as a family trust vide Trust Deed dated 6.4.1982 and according to original terms, the time to distribute the trust property is settled as of the respondent / beneficiary attaining the age of 18 years.

6. It is not in dispute that respondent beneficiary has already attained the age of 18 years. However, as the respondent beneficiary desire to prosecute the further study he would not be in a position to manage the trust property and thereby, the trustees have prayed for the direction to continue the management of the trust property till 5.4.2010.

7. In the facts and circumstances of the case and in view of express desire stated by the beneficiary that the beneficiary has no objection if petitioner trustees are directed to extend the period for distribution of trust properties as of 5.4.2010. The impugned order dated 21.3.2001 passed by learned City Civil Judge, Court No.11, Ahmedabad is hereby quashed and set aside. The present civil revision application is allowed. The petitioners are directed to extend the term for distribution of trust properties to the respondent beneficiary for the period upto 5.4.2010 in the interest of justice.

Rule to that extent is made absolute with no order as to costs.

(A.K.Trivedi,J.)

(vipul)